

REMARKS

By this Amendment claims 7-10 have been deleted and replaced by a new independent claim 11. Entry is requested.

In the outstanding Office Action the examiner has rejected claims 1 and 2 under 35 U.S.C. §102(b) as being anticipated by Mitchell et al., and he has rejected claims 3 and 8 under 35 U.S.C. §103(a) as being unpatentable over Mitchell et al.

The inventor believes these rejections are incorrect.

Mitchell et al. disclose a container having a bottom and a cylindrical sidewall with an annular engagement portion, and a lid (closure) having a disc-shaped face portion and a peripheral skirt forming a channel having a first sidewall, a second sidewall and a bottom wall. The second sidewall has engagement means. It is disclosed at column 4, lines 26-59 and in Figs. 2, 3 and 4 how to latch the closure upon the container body, the closure is provided with six equally spaced engagement means in the form of latching members 61 which are each joined to the peripheral skirt 53 adjacent the terminal edge by a flexible hinge wall 62. Each of the six latching members further includes a cam follower means in the form of an inwardly and upwardly directed projection/nose 64. In order to firmly latch the closure 12 upon the container body 11, each of the six equally spaced latching members 61 must be handled separately and the cam follower means 63 must be held at an angle in relation to the container wall 21, and the nose 65 of the cam follower means 63 first contacts the cam means 30 and then rides therealong to progressively draw the

closure 12 downwardly while the seal 57 is progressively compressed until the bead 58 rests upon the surface 25, precluding further downward movement of the closure 12.

The present invention differs from the container of Mitchell et al. in that the engagement means 27 consists of a plane annular engagement face 29 which extends obliquely relative to the axis of symmetry CL. Furthermore, the lid is latched upon the container by solely providing a downwardly directed force in relation to the axis of symmetry CL until the annular engagement face 29 on the closure (lid) engages the annular engagement face 42 of the container.

It will be appreciated that by application of the lid 10 to the container 30, the second side wall 25 will be deformed elastically radially outwards, while the inclined face 26 is moved along the ribs 31, 41 and 44. During this, compression of the sealing member 23 is provided. When the second side wall 25 then bends back to the starting portion, at the moment when the inclined face 26 moves past the rib 41 on the container 30, the snap engagement is established, while relief of the sealing member takes place simultaneously because of the shape of the engagement faces 29, 42, when the lid subsequently moves slightly upwards during the short movement of the engagement face 29 on the engagement face 42. In this position, the sealing member 23 engages both the application. Moreover, the projection 39 will provide a localized annular deformation of the sealing member 23. This deformation causes part of the sealing member 23 to be pressed into the ring space 5

between the end edges 37 of the rib 31. Since the ring space 5 is wedge-shaped, preferably because of the oblique extent of the end edge 37 relative to the vertical axis CL, additional compression of the part of the material on the sealing member 23 that is pressed into the ring space 5 is achieved, which results in an increase in the sealing properties of the package.

The present claim 1 defines a container with a lid, where the engagement means 27 (of the lid) consists of a plane annular engagement face 29 which extends obliquely relative to the axis of symmetry CL. This is not disclosed in Mitchell et al. and it is therefore submitted that the present claim 1 defines an invention that is not anticipated by Mitchell et al.

Furthermore, nothing in Mitchell et al. would suggest the invention of the present claim 1 to a person of ordinary skill. In order to latch the lid upon the container in Mitchell et al., each of the latching members must be handled separately. Nothing in Mitchell et al. would prompt a person of ordinary skill to suggest a solution where the lid is latched upon the container by solely providing a downwardly directed force in relation to the axis of symmetry CL until the annular engagement face 29 on the closure (lid) engages the annular engagement face 42 of the container. It is therefore submitted that claim 1 is unobvious over Mitchell et al.

The examiner has rejected claims 4 and 5 under 35 U.S.C. §103(a) as being unpatentable over Mitchell et al. in view of CH 672,473. However, nothing in CH 672,473 can be said to overcome the basic

Appln. No.: 10/049,278
Docket No.: 66386-283-7
Amdt. Dated Jan. 7, 2004
Reply to Office action of Aug. 7, 2003

deficiencies in Mitchell et al. in suggesting the invention defined in claim

1.

The examiner's indication of allowable subject matter in claims 6, 7,
9 and 10 is noted with appreciation. See new claim 11.

Respectfully submitted,

By:

DYKEMA GOSETT PLLC


Richard H. Tushin
Registration No. 27,297
Franklin Square, Third Floor West
1300 I Street, N.W.
Washington, DC 20005-3353
(202) 906-8600

DC01\74761.1
ID\RHT